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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 304**

**Goods Vehicles (Testing) Regulations (Northern Ireland) 2003**

**PART III**

**REGULATIONS GOVERNING EXAMINATIONS**

**First tests or periodical tests, and issue of test certificates (or notices of refusal)**

**14.** On the submission of a vehicle for a first test or periodical test the Department shall arrange for a vehicle to undergo that test, and when that test has been completed there shall be issued—

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate, or
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notice of the refusal of a goods vehicle test certificate.

**Re-test procedure, and issue of test certificates (or notices of refusal )**

**15.—(1)** Where a vehicle is submitted for a re-test in circumstances where the fee for the re-test is payable under paragraph (4) of regulation 13 a vehicle examiner shall in carrying out the test be under an obligation only to examine the vehicle for the purpose of ascertaining whether it complies with the particular items of the prescribed construction and use requirements with which it was shown in the last notice of a refusal of a test certificate not to comply.

(2) Where a vehicle examiner finds that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in paragraph (1) and has no reason to believe that the other prescribed construction and use requirements are not complied with in relation to the vehicle, there shall be issued a goods vehicle test certificate.

(3) Where a vehicle examiner does not find that the vehicle complies with the particular items of the prescribed construction and use requirements mentioned in paragraph (1) or finds that any other prescribed construction and use requirement is not complied with in relation to the vehicle, there shall be issued a notice of the refusal of a test certificate.

(4) Where a vehicle is submitted for a re-test in circumstances where a fee for the re-test is payable under regulation 13(3), the Department shall arrange for the vehicle to undergo a goods vehicle test, and when that test has been completed there shall be issued –

- (a) where the vehicle is found to comply with the prescribed construction and use requirements, a goods vehicle test certificate;
- (b) where the vehicle is found not to comply with the prescribed construction and use requirements, a notice of the refusal of a goods vehicle test certificate.

**Form of test certificates and notices of refusal**

**16.—(1)** Goods vehicle test certificates issued under regulation 14 or 15 shall be in the form specified in Schedule 4 or Schedule 5.

- (2) Notices of refusal of a goods vehicle test certificate issued under regulation 14 or 15 shall –
- (a) contain –
    - (i) the date on which it was issued;
    - (ii) details of the vehicle testing centre at which it was issued;
    - (iii) in the case of a notice issued for a motor vehicle, the registration mark (if any) exhibited on the vehicle or, if no such mark is so exhibited, the chassis or serial number marked on the vehicle;
    - (iv) in the case of a notice issued for a trailer, the identification mark which shall be allotted to the trailer by the Department in the notice of appointment (if any); and
  - (b) state the grounds of such refusal.

### **Appeals**

17.—(1) Any person aggrieved by a determination made on a first test or periodical test of a vehicle, or on a consequent re-test of a vehicle by the person in charge of that test, may appeal to the Department.

(2) Any appeal to the Department shall be lodged at the vehicle testing centre at which the test was conducted not later than 14 days from the date of the determination.

(3) Every appeal shall be made on a form issued by the Department and shall contain the particulars required by the Department.

(4) An appeal to the Department shall be accompanied by a fee determined in accordance with Part I of Schedule 1.

(5) As soon as reasonably practicable after the date of the receipt of the appeal, the Department shall send a notice in writing, addressed to the appellant at the address of the appellant stated in the form of appeal, stating where and when a re-examination for the purpose of determining the issues raised is to take place.

(6) On the submission of a vehicle for a re-examination for the purpose of an appeal the person submitting the vehicle for the re-examination shall if requested to do so by the vehicle examiner –

- (a) produce the notice of refusal of a goods vehicle test certificate issued as a result of that first test, periodical test or on a consequential re-test; and
- (b) give such information as may reasonably be required relating to any alteration made or repairs carried out, or any accident or other event occurring since the date of the determination appealed against, which may have affected the vehicle or its equipment.

(7) The officer appointed by the Department under Article 66(2) of the 1995 Order shall not be required to proceed with the re-examination unless the person submitting the vehicle for the re-examination complies with paragraph (6) and nothing in this paragraph shall be taken to derogate from regulation 6.

(8) On completion of the re-examination the Department shall make such determination as it thinks fit, and may issue either a goods vehicle test certificate for the vehicle or a notice of refusal of a goods vehicle test certificate stating the grounds thereof.

(9) Goods vehicle test certificates issued under the foregoing provisions of this regulation shall be signed by the vehicle examiner and shall contain the same particulars as are appropriate to the goods vehicles test certificates mentioned in regulation 16(1) and subject to such modifications as may be appropriate.

(10) Notices of refusal of a goods vehicle test certificate issued under the foregoing provisions of this regulation shall contain the same particulars as are appropriate to notices of refusal of a goods

vehicle test certificate mentioned in regulation 16(2) and subject to such modifications as may be appropriate.